



## Town of Discovery Bay

**Program Area:**  
Administrative

**Policy Name:**  
Vehicle Use Policy

**Policy Number:**  
017

**Date Established:**  
March 20, 2013

**Date Amended:**  
N/A

**Resolution:**  
2013-06

### I. PURPOSE

This policy establishes procedures regarding the effective and economical usage of Town of Discovery Bay owned and privately owned vehicles operated during the course of District business. Use of District owned vehicles shall be relied upon as the primary means of vehicle usage, as it provides the greatest control over operating costs, usage, maintenance, inspection, and insurance.

### II. AUTHORITY

This has been approved by the District for use in matters regarding the use of all vehicles operated during the course of District business. This policy does not apply to commercial motor vehicles.

### III. ASSIGNMENT OF RESPONSIBILITY

- A. The General Manager, or Designee, shall maintain a list of all employees who may be required to drive District owned or privately owned vehicles on District business. The General Manager shall also be responsible for overseeing the implementation of necessary driver training programs and ensuring that employees who require such training are in attendance.
- B. The General Manager shall coordinate all required training and maintain related records. Additionally, the General Manager shall ensure that evidence of insurance and driver's license information are maintained in each employee's file. The General Manager shall also receive and record Department of Motor Vehicles Pull Notice reports, and act accordingly if additional training is necessary.
- C. The General Manager shall review all accidents to determine whether an accident was preventable or non-preventable, and to make any necessary disciplinary recommendations.
- D. Supervisors shall routinely monitor the driving of each employee during the course of performing the employee's job-related driving responsibilities. Supervisors shall also perform necessary accident reporting requirements as stated in Section X.
- E. All District employees shall promptly provide insurance and driver license information when notified that their job duties include driving either a District owned or privately owned vehicle. Employees are to comply with all training and other reporting requirements of this policy.

### IV. DEFINITIONS

- A. Preventable Accident: the vehicle operator failed to do everything reasonably possible to prevent the accident.

- B.** Non-Preventable Accident: the vehicle operator did everything reasonably possible to prevent the accident.
- C.** District Owned Vehicle: any vehicle owned by the District, and assigned on a shared, designated, or permanent basis.
- D.** Privately Owned Vehicle: any personally owned vehicle used by an employee, whether owned by the employee or not.
- E.** Vehicle Operator: any employee who is either operating a District owned vehicle or is operating a personally owned vehicle on District business.
- F.** District Business: activities that require the use of a vehicle and are authorized by the employee's supervisor. In the use of personal vehicles, District business also means that the operator is being reimbursed for mileage expenses according to Internal Revenue Service guidelines and the District's Travel Reimbursement Policy.

## **V. VEHICLE TYPES AND USE**

### **A. Use of District Owned Vehicles**

- 1.** District owned vehicles fall into the following three categories, and have restrictions based upon type and use:
  - a.** Vehicles that are kept overnight at District facilities, and are assigned for use on a shared or designated basis during the course of daily District business. Personal use is expressly prohibited.
  - b.** Vehicles that are assigned to managers on a permanent basis, and used for daily commuting to and from the District. According to the Internal Revenue Service, commuting to and from work and any other incidental personal usage is not considered official use, and shall be reported as taxable income. Employees authorized under this section are expressly prohibited from using the assigned vehicle solely for personal use. Employees may make reasonable, but limited personal use stops before and after assigned work shifts while traveling to and from work. Only employees who live in the Town of Discovery Bay and are assigned a District owned vehicle shall be allowed take the assigned vehicle home on a daily basis. Exceptions may be made on a case by case basis and with the prior approval of the General Manager.
  - c.** Vehicles that are designed for emergency or on-call use, and authorized for use to and from work in order to respond on a 24-hour basis. Employees authorized to operate emergency or on-call vehicles may make reasonable, but limited stops before and after assigned work shifts while traveling to and from work.
- 2.** Only District employees are authorized to operate District owned vehicles. For purposes of this section, members of the Board of Director's are not considered District Employees.
- 3.** District owned vehicles are for transporting only those employees whose duties require the use of a motor vehicle, and such other persons whose business activities are important to District interests.
- 4.** Under no circumstances shall family members or friends be transported in District owned vehicles, including those that are authorized for use commuting to and from the District or designated for emergency or on-call use. Limited exceptions may be authorized in writing by the General Manager on a case by case basis.

5. Employees who have a District owned vehicle permanently assigned to them and/or District owned vehicles assigned for use within their department are responsible for ensuring that only those persons with a valid driver's license and on official District business are allowed the use of the District owned vehicle.

#### **B. Use of Privately Owned Vehicles**

There are times in which the use of an employee's personal vehicle is preferable because either a District owned vehicle is not available or because the use of a privately owned vehicle is deemed more efficient. When such is the case, the following shall be applied:

1. An employee may use his/her privately owned vehicle when the employee has transportation needs for District business and upon written authorization by his/her supervisor.
2. Employees who regularly use their own privately owned vehicles on District business must notify their insurance company of such use.
3. It is the responsibility of the individual utilizing his/her privately owned vehicle to maintain accurate records of the purpose and extent of his/her travel, and to make substantiated claims for reimbursement per the District's reimbursement policy. The vehicle and/or mileage allowance is intended to cover the employee's cost of operating the vehicle on District business, including the cost of insurance. Further, all operating expenses of the privately owned vehicles are to be borne by the employee. This includes, but is not limited to, gasoline, oil, maintenance, wear and tear, depreciation and insurance. The acceptable methods of verifying mileage reimbursements shall be noted for each point-to-point trip segment. To calculate these distances the use of Yahoo! Maps, MapQuest, or Google Maps.
4. The District is not liable for any damage to an employee's privately owned vehicle, unless caused by the District's negligence (employee's negligence excepted). It is the responsibility of the employee operating the vehicle to notify his/her immediate supervisor, the Department of Motor Vehicles, and the employee's insurance company in the case of any accident. If an employee is responsible for an accident either while driving a District owned or personally owned vehicle, his/her own automobile insurance premiums may be increased.

#### **VI. DRIVER TRAINING**

Those employees who drive District owned vehicles are required to complete a defensive driver training course. Consideration should also be given to other employees who are regularly using privately owned vehicles as part of their essential job functions.

- A. New employees shall complete a defensive driver training at the first available course date after the commencement of employment. Instruction shall also be provided to make certain that such employees are familiar with this policy.
- B. Current employees who change assignments to include driving a District owned vehicle are similarly required to complete the provisions as stated in this section.
- C. All employees who are required to participate in defensive driver training shall be required to repeat such training at least once every three years.

#### **VII. GENERAL GUIDELINES**

- A. Employees shall obey all Federal, State and local laws while operating either District owned pool or privately owned vehicles on official District business.

- B. It is the responsibility of the employee operating either a District owned or privately owned vehicle to ensure that all persons in the vehicle use seat belts and have them properly adjusted before starting the engine of the vehicle.
- C. When cargo, materials or tools are being transported, the vehicle operator is responsible for assuring that all items are properly secured.
- D. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating.
- E. Any injuries sustained by the vehicle operator or other employees while operating a vehicle on District business shall be covered by workers' compensation.
- F. When the vehicle operator is determined to be involved in a preventable accident, the employee's manager shall recommend disciplinary action subject to review and approval by the General Manager.
- G. Alcoholic beverages and drugs shall not be transported or placed in any District owned pool or privately owned vehicle.
- H. At no time shall smoking be allowed in any District owned vehicle or rental vehicle while that rental vehicle is being used on District Business.
- I. Any employee who operates a District owned vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle.
  - 1. Before operating the vehicle and at least once a day, the employee shall check to make certain that all vehicle safety equipment including headlights, turn signals, brake lights and windshield washers are functioning properly.
  - 2. Any vehicle damage beyond normal wear and tear or that includes defects affecting the safe operation of the vehicle must be documented and reported to the employee's supervisor for scheduling of repairs.
  - 3. No employee shall operate a District owned vehicle found to be in an unsafe condition.

#### **VIII. USE OF ELECTRONIC DEVICES**

Employees shall refrain from operating cellular telephones, laptop computers, navigational devices and any other device that may cause vehicle operator distraction while operating a District owned or privately owned vehicle in the course of conducting District business. Employees shall make every attempt to properly park their vehicle or use a hands-free device when using such equipment.

#### **IX. RENTAL VEHICLES**

When it is necessary for a District employee to use a rental vehicle for District business, the employee shall utilize every reasonable effort to obtain the lowest possible rate for the time of use. Optional loss damage coverage should be purchased from the rental agency at the time the vehicle is rented.

#### **X. ACCIDENT REPORTING REQUIREMENTS**

Any accident involving a District owned vehicle, rented or leased vehicle or privately owned vehicle used in the performance of District duties shall be reported as follows:

- A. The vehicle operator shall summon medical care for any injured parties.
- B. The vehicle operator shall notify appropriate law enforcement agencies.

- C. The vehicle operator shall collect information about the other parties involved by completing the "Accident Kit" located in the District owned vehicle's glove box or obtained from the general Manager, or Designee.
- D. The vehicle operator shall notify his/her supervisor. The supervisor shall be responsible for initiating the departmental investigation of the accident, completing all required District reports and recommend action to the General Manager.
- E. The supervisor shall notify the General Manager.
- F. The vehicle operator must report the accident to the DMV if more than \$750 in damage was done to the property of any person or District, or anyone was injured (no matter how slightly) or killed. The report must be filed, whether the vehicle operator caused the accident or not and even if the accident occurred on private property. The report must be made on the California Traffic Accident Report, form SR 1, and must be made within ten days of the accident. If the report is not filed with the DMV, the vehicle operator's driving privilege will be suspended. The police or California Highway Patrol will not file this report.

## **XI. INSURANCE**

Proof of insurance is required before any privately owned vehicle can be authorized for District business, and shall be provided to the General Manager, or Designee annually thereafter, no later than thirty (30) days after the policy renewal date.

- A. Insurance Requirements
  - 1. Employees who receive a monthly vehicle allowance shall maintain coverage in an amount not less than \$100,000 per person/ \$300,000 per occurrence (or a combined single limit of \$300,000) and property damage coverage in an amount not less than \$100,000 per occurrence.
  - 2. Employees that do not receive a monthly vehicle allowance and are authorized to use privately owned vehicles on District business shall maintain minimum coverage in an amount not less than \$50,000 per person/\$100,000 per occurrence (or a combined single limit of \$100,000) and property damage coverage in an amount not less than \$50,000 per occurrence.
- B. California Insurance Code §11580.9 states that where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess.
- C. The District shall not be responsible for any increase in the employee's automobile insurance premium as a result of an accident.
- D. In the event of an accident, the employee is responsible for paying any deductibles the insurance company may require.
- E. If insurance coverage is canceled, terminated, lapsed, or for any other reason curtailed, the immediate supervisor must be notified by the employee and the vehicle shall not be used for District service.
- F. When an employee operating a District owned vehicle is involved in an accident, defense and settlement of any claim shall be the responsibility of the Special District Risk Management Agency (SDRMA), to the maximum protection limit. If an employee operating a District owned vehicle is sued independently as a result of an at-fault accident, the SDRMA may provide coverage to that employee if the accident qualifies as a covered occurrence.

- G. Should an employee using his/her privately owned vehicle on District business be involved in an accident with resulting injury or property damage, the employee's own insurance carrier shall respond to defend the employee. Should a claim exceed the limits of the employee's liability insurance coverage, the SDRMA liability protection program would respond in an excess capacity if the accident qualifies as a covered occurrence.

## **XII. DRIVER'S LICENSE**

- A. All District employees authorized to use District owned or privately owned vehicles on District business must possess a valid California driver's license and provide proof of licensing upon hire.
- B. All District employees must maintain a driver's license appropriate for the class of vehicle to be driven.
- C. An employee whose driver's license is suspended or revoked for any reason must notify their supervisor no later than the first workday following suspension or revocation of their driver's license. Such employee shall not be allowed to operate any District owned or privately owned vehicles on District business.
- D. Employees who possess temporary driving permits or hardship licenses shall not be permitted to operate District or privately owned vehicles in the performance of official District duties.

## **XIII. REVIEW OF DRIVING RECORD**

- A. The District shall enroll employees that operate District owned or privately owned vehicles on District business in the Department of Motor Vehicles (DMV) Pull Notice Program. When a vehicle operator has received a violation, the DMV assigns points according to the type of violation, and automatically sends notification to the District.
- B. In compliance with Vehicle Code Section 1808.47, all information received from the DMV shall be used solely for the intended purpose, and kept in locked storage. Under no circumstances shall addresses or other information be given to a third party.
- C. An employee who has an accumulation of four or more points in a 12 month period or six in a 24 month period or eight in a 36 month period may have District driving privileges suspended at the discretion of the General Manager.
- D. Any employee involved in a preventable collision or demonstrating questionable driving capabilities shall be required to attend remedial training in defensive driving. An employee may be regarded as having questionable capabilities based on a review of points assigned to him/her by the DMV in connection with citations and/or vehicular accidents.
- E. Employees involved in additional preventable accidents or have a disqualifying action taken against their driver's license shall be subject to disciplinary action, the severity of which will be determined by the nature of the offense and the employee's past driving and disciplinary action records.
- F. An employee who has been determined to be involved in two or more preventable accidents within a 36 month period while operating a District owned or privately owned vehicle in the performance of official District business shall be subject to disciplinary action up to and including suspension of District driving privileges, or termination.
- G. Any conviction resulting from driving while under the influence of drugs or alcohol (DUI) or refusal to submit to a lawful roadside sobriety test shall result in disciplinary action up to and including suspension of District driving privileges.

- H. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any vehicle may result in the suspension of the employee's driving privileges, and is grounds for further disciplinary action.
- I. Temporary or permanent suspension of District driving privileges for employees whose position requires operation of a vehicle shall be considered a loss of the ability to perform an essential job function.
- J. If an employee has District driving privileges suspended, the District shall attempt to arrange for the employee to perform the essential functions of the job. If such accommodation is not possible or creates an unreasonable hardship for the District or coworkers, loss of District driving privileges shall be considered just cause for reassignment to a position that does not require operation of a vehicle at a pay rate commensurate with that position. If no such position is open, the employee may be terminated.

**XIV. ACKNOWLEDGEMENT**

Upon receipt of this policy, each employee shall sign a form acknowledging that he/she is aware of this policy, including the legal issues arising out of the use of his/her privately owned vehicle on District business.

**XV. REFERENCES**

Vehicle Code Sections 464, 1808.47, 12810, 16056, 27315  
Insurance Code §11580.9

## **EMPLOYEE ACKNOWLEDGEMENT OF VEHICLE USAGE POLICY**

This is to acknowledge that I have received a copy of the Town of Discovery Bay's Vehicle Usage Policy and that I have read the policy and understand my rights and obligations under the Policy.

I understand that this Policy represents only current policies, procedures, rights and obligations and does not create a contract of employment. Regardless of what the Policy states or provides, the District retains the right to add, change or delete provisions of the Policy and all other working terms and conditions without obtaining another person's consent or agreement.

My signature below further signifies that I have read this Policy and that I accept and will abide by all of its provisions.

PRINT FULL NAME \_\_\_\_\_

SIGNED \_\_\_\_\_

DATE \_\_\_\_\_

**(RETAIN IN EMPLOYEE PERSONNEL FILE)**